



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273-CR-HUCK
Magistrate Judge Brown

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANCIS RUGGIERO,
ARIEL HERNANDEZ,
JULIUS BRUCE CHIUSANO,
ADAM TODD SILVERMAN,
CHARLES PATRICK MONICO,
ANTHONY RAYMOND BANKS,
Defendant.

ORDER SETTING CRIMINAL TRIAL

PLEASE TAKE NOTICE that the above-entitled cause is hereby set for **Criminal Trial** before the Honorable Paul C. Huck, United States District Judge, 301 N. Miami Avenue, 4th Floor, Miami, Florida during the two week period commencing **Monday, December 11, 2000, at 9:00 a.m.** or as soon thereafter as case may be called.

PLEASE TAKE FURTHER NOTICE that a **Calendar Call** will be held at 8:30 a.m. on **Wednesday, November 29, 2000** at the same location. **ALL COUNSEL MUST BE PRESENT.**

1. All requests for Writs Ad Testificandum **must** be filed not later than fourteen (14) **business** days prior to the first day of the scheduled trial period to insure adequate time for processing.
2. Counsel shall be prepared to conduct limited voir dire following the Court's

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general questioning of the panel. In addition, counsel shall submit to the Court and to opposing counsel, at the **Calendar Call**, proposed jury instructions, in typed form, including substantive charges and defenses, and accompanied by a 3 1/2 inch IBM formatted disk compatible with WordPerfect. To the extent these instructions are based upon the Eleventh Circuit Pattern Jury Instruction, counsel shall indicate the appropriate 1997 Eleventh Circuit Pattern Jury Instruction upon which their instruction is modeled. On the first day of trial counsel shall advise the Court in writing of the proposed jury instructions on which there is agreement and those to which there are objections.

3. All responses pursuant to the Standing Discovery Order and or Local Rule 88.10 shall be provided in a timely fashion in accordance with the dates scheduled by the Magistrate Judge. Noncompliance can result in sanctions. Fed. R. Evid. 404(b) notice shall include a specific factual basis for the evidence sought to be introduced.

4. All counsel shall submit to the Court at **Calendar Call**, a typed list of proposed witnesses and/or exhibits to be presented at trial. All exhibits to be offered into evidence must be pre-labeled in accordance with the proposed exhibit list. Exhibits shall be designated, numerically and include the case number.

5. Counsel shall also submit to the Court in writing any motions in limine regarding trial issues at the **Calendar Call**.

6. Counsel are instructed that arrangements for appropriate clothing for defendant(s) in custody must be made with the Bureau of Prisons at least seven (7) days prior to the scheduled trial date.

7. **Upon receipt of this order, counsel are directed to certify with the Court's courtroom deputy the necessity of a interpreter for the Defendant.**

8. **Counsel are further instructed to notify the Court, at least 24 hours prior to any hearings or trial, if an interpreter is required, including the state of the trial when an interpreter will be necessary.**

9. If either party seeks to introduce transcript(s) at trial, the moving party shall present a copy to all counsel not less than ten (10) days prior to the scheduled trial date. If a transcript cannot be agreed upon, each party shall produce its own versions of the transcript for presentation to the trier of fact. Government counsel shall notify the case agent/client agency of this requirement.

10. All motions filed shall be accompanied by a written statement certifying that counsel for the moving party has conferred with opposing counsel in a good faith effort to resolve by agreement the subject matter of the motion as required by Local Rule 88.9.

11. If defense counsel foresees that a sentencing hearing will take more than thirty (30) minutes, the Court's courtroom deputy should be advised not later than five (5) days prior to the hearing.

12. **Counsel are directed to comply with Local Rule 88.5 requiring the filing of speedy trial reports every 20 days hereafter until time of trial or plea.**

13. All anticipated Jencks material shall be turned over to defense counsel not later than the morning of the first day of trial. Said materials shall include a face sheet for defense counsel to sign and date, acknowledging receipt.

14. Any defense counsel who has or will represent witnesses, co-defendants, targets, or subjects in this or any other related criminal case shall notify the Court immediately so that a Garcia Hearing can be scheduled to resolve any potential or actual conflicts of interest. It is the desire of the court that all Garcia Hearings be conducted as close to the time or arraignment as possible.

15. All motions for continuance **must** be in writing and filed with the clerk of the court at least seventy-two (72) hours prior to the **[status conference/calendar call]**. Please note that motions for continuance will not be favorably considered unless the parties have complied with Local Rule 88.10(P) which requires the filing of a written statement describing all discovery material exchanged.

DONE AND ORDERED at Miami, Florida this 12th day of October, 2000.



PAUL C. HUCK
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Honorable Judge Brown
[attys] all counsel of record
U.S. Pretrial Services Offices
U.S. Marshals Service